

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THOMAS A. MOORE,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-11-586-F
)	
DAVID MILLER, Warden,)	
)	
Respondent.)	

ORDER

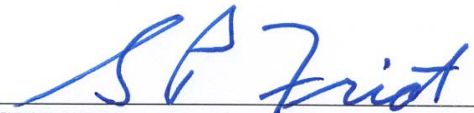
On June 16, 2011, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation, wherein he recommended that the petition of petitioner, Thomas A. Moore, seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed upon filing as untimely.

Presently before the court is petitioner's timely objection to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1), the court has conducted a *de novo* review of the matter. Having done so, the court concurs with the analysis of Magistrate Judge Argo. The court finds that petitioner's habeas petition is untimely and petitioner has not demonstrated that statutory or equitable tolling applies. The court therefore accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Doyle W. Argo on June 16, 2011 (doc. no. 9) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. Petitioner, Thomas A. Moore's Petition Under 28

U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (doc. no. 1)
is **DISMISSED** upon filing as untimely.

DATED June 30, 2011.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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